

REMARKS/ARGUMENTS

The non-final office action of February 14, 2006 (the Office Action) has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-4, 6, and 9-43 are pending.

Claims 1, 4, 6, 9-12, 14-27, 30-40 and 43

Claims 1, 4, 6, 9-12, 14-27, 30-40 and 43 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (Odom) in view of U.S. patent no. 5,798,759 to Dahl (Dahl). These rejections are respectfully traversed.

Claim 1 recites an interactive services display and response user interface in which, among other features, an interface “page can be configured by said client to display said pertinent information according to the preferences of a user of said client stored by said interactive provider server and the real-time interactive content being tailored to the transmission and reception capabilities of said client.” At least this inventive subject matter of claim 1 is not taught or suggested by the cited prior art. The Office Action correctly notes, “Odom does not teach that the content is tailored to the transmission and reception capabilities of the client.” Office Action, page 3, lines 12-13. However, contrary to the Office Action’s assertion, Dahl fails to cure the identified deficits of Odom or teach at least the inventive subject matter of claim 1 noted above.

Dahl discloses a mobile data processing device (32) having a relatively small display screen, which can display a portion of a display of an application written for a device having a relatively large display screen. Abstract. Further, Dahl teaches that an end user of the mobile device (32) can arrange screen information according to his preferences. Abstract; *see also* col. 3, lines 58-60.

However, Dahl explicitly teaches its user preferences are created, stored and used by the mobile device 32, rather than being stored in or tailored by the larger data processing service 10 to which the mobile device may be coupled. Further, Dahl specifically teaches, “In accordance with software block 114, *mobile data processing device 32* records the operator selection of items from the screen currently displayed in the relatively small screen ... [and] *mobile data*

processing device 32 creates a sequence table in accordance with the operator's selection." Emphasis added. Dahl, col. 4, lines 52-58. See also Figs. 4A and 4B. Dahl fails to teach or suggested the subject matter of claim 1 pertaining to configuring by the client to display pertinent information according to user preferences stored by an interactive provider server. For at least this reason, Applicants respectfully submit that independent claim 1 is allowable over Odom in view of Dahl, as well as claims 4, 6, 9-12 and 24-27 depending from claim 1.

In addition, Dahl fails to teach or suggest the recited subject matter of claim 1 pertaining to real-time interactive content being tailored to the *transmission and reception* capabilities of said client. Dahl is specifically directed to modifying the display of a mobile device according to the display capabilities of the mobile device rather than according to its transmission and reception capabilities. In particular, there is no disclosure whatsoever in Dahl of tailoring content to the transmission capabilities of the client. For this additional reason, Applicants respectfully submit that independent claim 1 is allowable over Odom in view of Dahl, as well as claims 4, 6, 9-12 and 24-27 depending from claim 1.

To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, the cited references, either alone or in combination, fail to teach or suggest all claim features of claim 1. As such, Applicants respectfully submit that independent claim 1 is allowable over Odom in view of Dahl, as well as claims 4, 6, 9-12 and 24-27 depending from claim 1.

Similar to claim 1, independent claims 14, 19, 30, 31, 36 and 43 recite, among other features, the subject matter of storing preferences of a user in or by the server, which as discussed above is not taught or suggested by the cited prior art. Further, independent claims 14, 19 and 30 recite the subject matter of personalizing real-time interactive content according to the preferences of the user, which is not taught or suggested by the cited prior art. Moreover, independent claims 31, 36 and 43 recite the subject matter of tailoring the interactive content to the *transmission and reception* capabilities of the client device, which as noted above is not taught or suggested by the cited prior art.

For at least these reasons, Applicants respectfully submit that independent claims 14, 19, 30, 31, 36 and 43 are allowable over Odom in view of Dahl, as well as claims 15-18, 20-23, 32-35 and 37-40 depending therefrom.

Claims 31 and 36

In addition to the reasons discussed above, Applicants respectfully submit that the Office Action fails to provide a *prima facie* basis for rejecting claims 31 and 36 over Odom in view of Dahl.

As a basis for rejecting these claims, the Office Action merely refers to claim 1 and states, “Odom teaches that bids may be broadcast to all participants in the exchange.” Office Action, page 5, lines 16-17.

Claim 31 recites a method of providing interactive services through a user interface of a client device, which includes subject matter differing from the subject matter recited in claim 1, such as the transmitting, receiving and interacting steps of claim 31. Applicants are unsure how the assertion that Odom teaches that bids may be broadcast to all participants would teach or suggest the recited method of claim 31, either alone or in view of the arguments provided for independent claim 1. Applicants are similarly unsure of the relevance of this assertion with respect to the subject matter of claim 36. If the Office maintains these rejections, Applicants respectfully request that the Office provide a *prima facie* basis for doing so.

Claims 2, 3, 4, 13, 28, 29, 41 and 42

Claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Dahl and further in view of either U.S. patent no. 5,764,913 to Jancke et al. (Jancke). Claims 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Dahl and further in view of U.S. patent no. 6,712,702 to Goldberg et al. (Goldberg). Claims 4 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Dahl and further in view of U.S. patent no. 5,848,396 to Gerace (Gerace). Claims 28, 29, 41 and 42 stand rejected under 35 U.S.C. §103(a) as allegedly

being unpatentable over Odom in view of Dahl and further in view of U.S. patent no. 6,666,769 to Stronach (Stronach). Applicants respectfully traverse these rejections.

Claims 2, 3, 4, 13, 28 and 29 depend from independent claim 1 and claims 41 and 42 depend from independent claim 36. Jancke, Goldberg, Gerace and Gerace fail to overcome the deficiencies discussed above with respect to Odom in view of Dahl as applied to independent claims 1 and 36, nor were they relied upon to do so. For at least this reason, Applicants respectfully submit that claims 2, 3, 4, 13, 28 and 29 are allowable over the cited prior art along with their respective base claim.

Claim 4

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Dahl along with independent claim 1. Office Action, page 2. In addition, claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Dahl and further in view of U.S. patent no. 6,712,702 to Goldberg et al. (Goldberg). Office Action, page 7. Applicants respectfully submit that these positions by the Patent Office are contradictory and improper.

In particular, the Office Action notes, “Odom/Dahl does not teach the visual elements of the interface page and can be altered to color preference” (Office Action, page 7, lines 12-13) as recited in claim 4. Thus, according to its own statement, the first rejection to claim 4 noted on page 2 of the Office Action, which is based on Odom and Dahl alone without Goldberg, is improper and should be withdrawn, as Odom and Dahl fail to teach the visual elements/color preference subject matter of claim 4.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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